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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,793	08/04/2000	HIRONARI IWASAKI	106766	2444

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OLIFF & BERRIDGE, PLC  
P.O. BOX 19928  
ALEXANDRIA, VA 22320

EXAMINER

BROADHEAD, BRIAN J

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 10/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/632,793

Applicant(s)

IWASAKI ET AL.

Examiner

Brian J. Broadhead

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3, 16, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 3 recites the limitation "said register points" in line 7. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 16 recites the limitation "said register points" in line 7. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 17 recites the limitation "said register points" in line 7. There is insufficient antecedent basis for this limitation in the claim.
6. Claims 3, 16, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: in each of the claims the recited flags are claimed to represent the presence or absence of the register point data are given to each category of each area or block, or in the case of claim 17, each area or block of each category. But then later in these claims the flags are described as representing the absence or presence of the register point data in said

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information storage means. It seems as if the flags are representing two different things at the same time. This needs to be clarified.

7. The following prior art rejections are made based upon the examiner's best interpretation of the claims.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

9. Claims 1, 3, 16, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Mikame, 6144920.

10. As per claims 1, 3, 16, and 17, Mikame discloses an input means for inputting information necessary to conduct a vicinity search including at least information regarding a reference position on lines 53-60, on column 2; a display means for displaying a search result (14); an information storage means for storing at least the vicinity search data on lines 65, on column 2; a search means for making the vicinity search on the basis of data stored in said information storage means and information input by said input means, wherein said vicinity search data include at least area information, an said search means conduct the vicinity search on the basis of area information to which the register points belong and flags for the category information,

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and inputs the search result to said display means in figure 8; the search area is around a reference position input by said input means on lines 23-27, on column 8.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mikame, 6144920, in view of Maekawa et al., 6038508.

13. Mikame discloses all the limitations as set forth above. Mikame does not disclose that the area or area information is of a country; administrative unit; district, or municipality. Maekawa et al. teaches that the area or area information is of a country; administrative unit; district, or municipality on lines 50-66, on column 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the area or area information of Maekawa et al. in the invention of Mikame because it would help to prevent too much information from being displayed at one as is stated as a goal on lines 28-34, on column 3, of Mikame.

***Response to Arguments***

14. Applicant's arguments filed 7-22-02 have been fully considered but they are not persuasive. The argument that Mikame inputs only the reference position and not the area surrounding the reference position is not convincing because the claims only recite "an input means for inputting at least a reference position". There is not mention of

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inputting a reference area in the claim. As per the arguments with relation to claims 3, 16, and 17, the lack of clarity with reference to the flags and what they represent provide for various interpretations of the claims. In one case, the flags represent the presence or absence of the register point data in the information storage means.

Mikame reads on this limitation.

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Rosen et al., 6014090, disclose a method and apparatus for delivering local information to travelers.

17. Naughton, 6240425, discloses geographic search engine having independent selections of direction and distance from a relocatable hub.

18. Bouve et al., 6415291, disclose system and methods for remotely accessing a selected group of items of interest from a database.

19. Semple et al., 6408307, disclose system and methods for remotely accessing a selected group of items of interest from a database.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 703-308-9033. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on 703-308-3873. The fax phone

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numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

BJB  
October 17, 2002

*Jaime R. Lopez*  
Joaquin M. Lopez  
Patent Examiner